



IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

JUDY D. BURNETT,
Plaintiff,

vs.

TONY RENARD JOHNSON, GILLIS
ENTERPRISES, LLC d/b/a PIGGLY
WIGGLEY 189, SHERRIFF JAY KOON,
Defendants.

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Civil Action No. 1:19-3278-MGL

**ORDER ADOPTING THE REPORT AND RECOMMENDATION
AND REMANDING THE CASE TO STATE COURT**

Plaintiff Judy D. Burnett (Burnett), filed this action under both 42 U.S.C. § 1983 and the South Carolina Tort Claims Act in South Carolina state court. Defendants Tony Renard Johnson, Gillis Enterprises, LLC, and Sherriff Jay Koon (collectively, Defendants) removed the case to this Court. This matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting the joint motion to remand be granted. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made, and the Court

may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on December 19, 2019. To date, neither Burnett nor Defendants have not filed any objections to the report. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Moreover, a failure to object waives appellate review. *Wright v. Collins*, 766 F.2d 841, 845-46 (4th Cir. 1985).

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report and incorporates it herein. Therefore, it is the judgment of the Court the joint motion to remand is **GRANTED**.

IT IS SO ORDERED.

Signed this 28th day of January 2020 in Columbia, South Carolina.

s/ Mary Geiger Lewis
MARY GEIGER LEWIS
UNITED STATES DISTRICT JUDGE